

**Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Tuesday, July 6, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook (Hardy arrived at 5:10 p.m.)
(Councilmember Houchen had requested permission to be absent from the meeting
pursuant to Resolution No. 2001-54.)

Absent: Houchen

Public Comments

Chuck Scheid spoke about the printed meeting agenda and his desire that more descriptive information be given in regards to closed session items. Mr. Scheid would like to have information about the subject being discussed rather than just the title.

The Following Late Communication Was Submitted During the Meeting:

Communication submitted by Charles Falzon titled *Finance Board Potential Areas of Study*, which is a list of 18 items pertaining to Finance Board priorities.

(City Council/Redevelopment Agency) Study Session - Joint Meeting of the Finance Board and City Council (110.10)

Finance Board Roll Call

Present: Charles Falzon, Chair; Tim Geddes, Vice Chair; Joe Domingo; Donald Hansen, Jr.;
(Gerald L. Chapman arrived at 5:15 p.m.)

Absent: Nancy Donovan, John DeWitt

City Administrator Penelope Culbreth-Graft introduced Finance Board Chair Charles Falzone. Mr. Falzone presented a PowerPoint report that reviewed the Board's history and listed five potential opportunities for increased revenue. The Board requested Council's direction on the recommendations.

Discussion was held regarding the role of the Finance Board as the Committee Chair sees it. Chair Falzon stated it is an oversight committee.

Council Members inquired about several topics including what the Board sees as its role in facilitating Neighborhood Improvement Districts, if the Board had time to complete its established roles, and what problems the Board was referring to in regards to the City's accounts receivable process.

There was discussion in regards to city tag programs, business licenses, and service organizations that do or do not have authorization to do business within the City.

City Treasurer Shari Friedenrich noted that the City had a tag program at one time, but that it was not cost-effective. Ms. Friedenrich also noted that meetings had been held with the State Beach and with Public Works to look at options.

In response to questions about the City's annual receivables, Treasurer Friedenrich reported on amounts collected for water, DUI (driving under the influence), and false alarm billings. She referred to the City Charter to discuss acceptable levels of write-offs.

Councilmember Sullivan emphasized the importance of the Board continuing its role with the budget. He expressed concerns about the process of voting in regards to Neighborhood Improvement Project participants taxing themselves. He would like a high threshold vote to be required for these types of situations.

Mayor Pro Tem Hardy stated that she would like for the program to stay away from a taxing system and to instead pursue grants or other opportunities. She would like a program developed to assist groups interested in pursuing Neighborhood Improvement Projects.

Councilmember Boardman inquired about the Grants Matrix, item one listed on the Late Communication distributed at the meeting, and at what level the Board is interested in being involved. She stated her opposition to appointing one person to track all grants.

Councilmember Cook asked the Board to be more outward looking than inward looking and gave examples of how the Board could add more benefit in this regard. She also asked City Attorney Jennifer McGrath to confirm that a 2/3-majority vote would be required on the potential tax, to which Attorney McGrath gave an affirmative answer.

Mayor Cathy Green asked the City Administrator for suggestions on the Board's focus.

City Administrator Culbreth-Graft stated that she would like to see the Finance Board craft a fiscal plan for long-term sustainability of the City. Dr. Culbreth-Graft also suggested their involvement in the Neighborhood Improvement Project and the investigation of grants.

Major Green asked the Board to focus on the budget, to find out what Finance Boards do in other cities, and to acquire more information about the Neighborhood Improvement Project.

Councilmember Sullivan inquired about the Finance Board's recommendations for Huntington Beach Tomorrow.

Mayor Pro Tem Hardy summarized the Board's priorities as follows: (1) Budget recommendations, (2) Work with the City Administrator on developing long-term fiscal sustainability of the City, (3) Look at what other City Finance Boards are doing, (4) Meet in February, 2005 to review goals and (5) For Council to direct the City Administrator to utilize the Finance Board as available.

Councilmember Coerper inquired about the timing of the Finance Board meetings and the budget recommendations.

The Council Members thanked the Board for their accomplishments.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Hardy to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Stephen and Dianna Rini v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC05748. Subject: **Rini v. City of Huntington Beach, et al.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook

Absent: Houchen

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a)(3)(B).

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Cathy Green

Invocation – Led by Reverend Peggy Price

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Charles Falzon titled *Finance Board Potential Areas of Study*, which is a list of 18 items pertaining to the Finance Board's priorities.

Communication submitted by Fire Chief Duane Olson dated July 6, 2004 which is a change made to the first slide on page D-1.19.

Communication submitted by David J. Makuch dated June 30, 2004 titled *Condo Conversions and Public Hearing on 6 July 2004* in opposition to the amendment in its present form.

Communication submitted by Michael C. Adams Associates dated July 6, 2004 titled *Proposed Revisions to the City's Residential Condominium Conversion Ordinance*.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Anjo, Japan Sister City Students titled *One of a Kind* which is a copy of the lyrics to a song they sang during the presentation section of the meeting.

Communication submitted by Carol Downey which is a statement of concern regarding the Cabrillo Mobile Home Park and the agreement between Mills Land & Water and the State Dept. of Transportation.

Communication submitted by Aaron Frankel dated July 6, 2004 titled *Huntington Beach Hearing on Zoning Text Amendment No. 04-01 – Affected Homeowners Perspective on the Proposed Condominium Conversion Ordinance*.

Mayor Green announced the 4th of July Parade will be rebroadcast on Channel 6 on Thursday, July 8, 2004 at 3:30 and 9:30 p.m. The Mayor dedicated the meeting in memory of Bob Davis, a personal friend who passed on July 5, 2004.

Presentation – Made by Mayor Cathy Green who called on Sister City Association President Carmen Erber to present this year's visiting youth ambassadors. They included four students and their chaperone from Waitakere, New Zealand and four students and their chaperone from Anjo, Japan. Musical performances were given by Anjo and Waitakere students. The Mayor presented Huntington Beach memorabilia to all students and chaperones. (160.40)

Presentation – Made by Mayor Cathy Green who called on Ron McLin and Brett Barnes from the Taste of Huntington Beach committee. They presented a check for \$52,000, from the annual fundraiser, to the Friends of the Children's Library. (160.40)

Public Comments

Gerald Chapman, representing the Bolsa Chica Land Trust, stated that State of California Wildlife Reservation Board agreed to purchase 103 acres of Lower Bolsa Chica using Prop 50 funds in the amount of \$65 million. He asserted, in his opinion, that all of Bolsa Chica and not just the lower bench should be considered for preservation. Mr. Chapman asked for Council support in this endeavor.

Ken Brown spoke regarding the use of the beach for a political forum without a permit on June 27 by the Veterans For Peace. Mr. Brown stated his opposition to what he considers an agitation.

Peter Albini thanked the 4th of July Board and Police Chief Kenneth Small for keeping the peace and expressed his support for future beach fireworks. Mr. Albini urged Council to speed up the County's Bushard construction project in the South East Neighborhood.

Gerald Caterina informed Council that he had filed a suit against the City relative to the infill ordinance. He stated that this ordinance allows invasion of his privacy - what he considers to be a visual intrusion into his bedroom. Mr. Caterina stated that he lost the suit but believes the ordinance is misleading.

Jim Gill spoke regarding his attendance at a Zoning Administrative Hearing. He commended Council's quick response to his neighbors and the open appeals process. Mr. Gill lodged a complaint regarding notification requirements, which he stated he believes are not sufficient.

Joe Jeffrey thanked the Councilmembers that had approved fireworks on the beach. Mr. Jeffrey commended Chief Kenneth Small and his police staff as being the best, and stated his hopes the future will contain more fireworks on the beach.

Elmer Smith, resident of Cabrillo Mobile Home Park, spoke about buying and selling mobile home parks and stated he wanted to caution residents on that issue. Mr. Smith announced he is the officer of his organization and Chapter President of the Golden State Mobile Homeowners League, and can be reached at 1-800-888-2717.

Councilmember Boardman commented that the previous speaker's topic will be discussed at the Study Session portion of the July 19, 2004 Council Meeting.

John McGregor spoke regarding living at Cabrillo Mobile Home Park since 1960 and expressed the opinion that the purchase by Mills Land and Water is unfair.

Norm "Firecracker" Westwell, representing the Libertarian Party, commended the 4th of July Board and also the work of Police Chief Small. Mr. Westwell urged Council to oppose the smoking ban ordinance.

Lisa Schick described the litter situation in the Bolsa Chica Wetlands and requested Council organize a Wetlands Clean-up Day.

(City Council) Councilmember Connie Boardman Announced the Appointment of Paul Horgan to the Public Works Commission (110.20)

Communication was submitted from Councilmember Connie Boardman transmitting the following **Statement of Issue:** I am happy to inform you that Paul Horgan has agreed to serve as my Public Works Commissioner. Paul is a long-time resident of the city and has been interested in a variety of city issues over the years. He is a former President of the Bolsa Chica Land Trust and currently is a Member of the Board of the Trust. Paul is in private practice as an attorney with an office in Los Angeles.

(City Council) Approved Appointments of Ann Quan, Amelia Huss, Nicolette Ulrich, Claire Muller, and Sarah Graham and Approved Reappointments of Whitney Gaglio, Andrew Kreitz, Lauren Thomas and Jennifer Baca to the Youth Board with terms to expire June 2005 (110.20)

Council considered a communication from Mayor Cathy Green and Mayor Pro Tem Jill Hardy transmitting the following **Statement of Issue:** As City Council liaisons to the Youth Board, we received twenty-four new applications and four requests for reappointment to the Huntington Beach Youth Board. All of the new applicants were offered interviews.

Mayor Pro Tem Jill Hardy reported. Hardy requested three of the members who were present to stand up and be recognized.

A motion was made by Coerper, second Hardy to approve the appointments of Ann Quan, Amelia Huss, Nicolette Ulrich, Claire Muller, and Sarah Graham to the Youth Board with their term to expire in June 2005 and to reappoint Whitney Gaglio, Andrew Kreitz, Lauren Thomas, and Jennifer Baca to the Youth Board with their term to expire in June 2005.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen

(City Council) Public Hearing Held - Adopted Resolution No. 2004-49 Revising the City's FireMed Fee Schedule for Emergency Medical Services (Amends Resolution No. 2003-58) (340.20)

Mayor Green announced that this was the time noticed for a public hearing to consider revisions to the City's FireMed user fee schedule. All proposed revisions are cost recovery in nature.

City Clerk Joan L. Flynn restated the Late Communication pertaining to this public hearing item.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Fire Chief Duane Olson gave a PowerPoint presentation titled *Emergency Medical Services Revision to Fee Schedules Huntington Beach Fire Department July 6, 2004*

It is proposed that a new rate schedule be adopted which will require higher fees to be paid by persons, or their respective insurance companies, that use the City's Emergency Medical Services system.

The types of fees under consideration for revision include emergency ambulance transportation, specific medications, and related paramedics supply charges. The Huntington Beach Fire Department is proposing a revised user fee schedule that recovers the increased cost of these items or services.

Mayor Green declared the administrative public hearing open.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Hardy to adopt **Resolution No. 2004-49** – “A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, Emergency Ambulance Transportation, Medications and Specialized Supply Fees to be Charged by the Fire Department of the City of Huntington Beach.” The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook
NOES: None
ABSENT: Houchen

(City Council) Public Hearing Held - Approved Zoning Text Amendment No. 04-01 - Approved as Amended Introduction of Ordinance No. 3657 Amending Huntington Beach Zoning and Subdivision Chapter 235 (Condominium Conversions) – Direct Staff to Return to Council With Alternative to Subdivision Map and Direct Future Conversion Applicants to the Planning Commission (450.20)

Mayor Green announced that this was the time noticed for a public hearing to consider **Zoning Text Amendment No. 04-01 (Condominium Conversion Ordinance)**

Applicant: City of Huntington Beach

Request: To amend **Chapter 235**, Condominium Conversions, of the Huntington Beach Zoning and Subdivision Ordinance. The proposed amendments are intended to update the original ordinance adopted in 1984 and to establish procedures for permitting units previously converted to condominiums without City approval.

Location: Citywide

Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

The City Council considered a communication submitted by Aaron Frankel dated June 30, 2004 titled *Letter to City Council Concerning Condo Conversion*.

Planning Director Howard Zelefsky reported orally, expressing the concern over crafting a global solution. He presented a PowerPoint report, which outlined the issues.

Prior to calling the speakers, City Clerk Joan L. Flynn stated that in addition to the Late Communication she announced earlier, a PowerPoint report was submitted titled *Huntington Beach Hearing on Zoning Text Amendment No. 04-01* from affected homeowners.

Aaron Frankel spoke as an affected condominium owner in opposition to the revised ordinance. Mr. Frankel requested other affected owners that were present in the audience to stand, then read verbatim from a PowerPoint presentation.

Terri Cole spoke about the impact on condominium owners. Ms. Cole continued reading verbatim from the PowerPoint presentation.

Patrick Bortmann also spoke about the impact on condominium owners and continued reading verbatim from the PowerPoint presentation.

Matthew Busser spoke about proposed solutions referring verbatim to the PowerPoint presentation.

Renee Tarnow concluded the PowerPoint presentation by reviewing summary statements reflecting the concerns of some affected condominium owners.

Dan Torla spoke regarding a 1984 tax bill that reflected a co-op assessment charged by the city.

Terry Davis spoke about how the condominium conversion situation has affected her.

Scott Schutzman referred to exhibits contained in the Late Communication submitted by Aaron Frankel, which was announced by the City Clerk, and requested Council to strike the affordable housing in-lieu fees from the amendment. Mr. Schutzman stated that if Council adopts the amended ordinance as-is, he will respond with a lawsuit.

Lisa Schick spoke regarding parking space requirements and her opinion that the requirements are too high.

Rob Nelson spoke in support of the smoking ban on the beach ordinance. Mr. Nelson's name was inadvertently left out during the public comments section, so Mayor Green allowed him to speak.

Mike Adams, speaking for Stewart Title, informed Council of thirty applications the title company is processing. Mr. Adams urged Council to amend the mapping process and to consider the affordable housing fee carefully.

City Clerk Joan L. Flynn announced another Late Communication from the last speaker regarding his comments titled *Proposed Revisions to the City's Residential Condominium Conversion Ordinance*.

Mayor Pro Tem Jill Hardy inquired about the itemization detail of tax payments transferred from the County – to which staff responded.

Mayor Pro Tem Hardy inquired further about the definition of "stock co-op", which of the relevant fees has been determined at this point, the requirements for individual condominium owners applying for a conditional use permit, and the necessity of a subdivision map. Planning Director Howard Zelefsky responded to all of these questions.

A further inquiry was made of City Attorney Jennifer McGrath regarding the completeness of the list of condominium conversions that have issues, and which owners are responsible for the lack of compliance from a legal standpoint. Attorney McGrath responded.

Discussion ensued regarding affordable housing in-lieu fees as mentioned by speakers and the subdivision map mentioned by Mr. Adams.

Planning Director Zelefsky stated that Planning would return with an amendment regarding the subdivision map.

A representative of Stewart Title addressed Council regarding bonds and in-lieu fees.

Councilmember Connie Boardman suggested that the affordable housing in-lieu fees only be used for rental units.

Councilmember Gil Coerper inquired about parking and landscape requirements as related to the affordable housing in-lieu fees and concerns relative to county recordation.

Further discussion was held regarding variances vs. affordable housing in-lieu fees, fee requirements prior to 1984, and the minimum requirements for affordable housing.

A motion was made by Councilmember Coerper to approve the ordinance with the following changes: (1) include a physical element report described in Section 235.06 subsection A as required for the Condos not previously converted through the City as reflected in section 235.04 lines 3-4 which would read effective date (etc.), (2) eliminate requirements to pay the affordable housing in-lieu fees, (3) provide a nexus report showing relationship between landscape, parking & affordable housing, (4) address if the affordable housing fees can withstand a legal challenge, and (5) work with local legislators to create laws which prohibit the County from recording documents without applicant providing proof that the City has approved of changes.

The motion **failed** for lack of a second.

A motion was made by Mayor Pro Tem Hardy, second Cook to approve as amended the recommended action with an addition that the subdivision map alternative be investigated. In addition, to add the option of accepting a bond if the owner is not able to pay the in-lieu fee.

Planning Director Zelefsky recommended a separate motion be made for the bond item.

Mayor Pro Tem Hardy agreed to remove that item from the motion on the table.

Director Zelefsky asked to clarify the motion: For city staff to come back with alternative language to amend the subdivision ordinance for parcel map waiver procedure for this class of units?

Mayor Pro Tem Hardy responded affirmatively.

Councilmember Boardman stated that she is still concerned about homeowners having to pay out-of-pocket.

Director Zelefsky reminded that this issue should be a separate minute action.

City Attorney McGrath asked if all the fees would be included in this motion or just the in-lieu fees and suggested this be clarified in the motion.

Councilmember Dave Sullivan proposed an amendment to the motion – he would like to streamline the process, however feels that the Zoning Administrator should handle said 120 plus condos in question, then future conversions should be handled by the Planning Commission. He also stated that going forward, he does not feel that converters should have the opportunity to pay affordable housing in-lieu fees rather than applying for a variance.

Mayor Pro Tem Hardy accepted this amendment.

Councilmember Debbie Cook reiterated what Councilmember Boardman had stated earlier that the fees only be used for rental stock.

Director Zelfsky addressed Sullivan's concern about in-lieu fees by stating that the fees would only apply to this class of units and not future conversions.

Councilmember Sullivan asked to eliminate that relevant portion of his amendment to the motion, and Hardy agreed.

Mayor Pro Tem Hardy restated her motion: To direct Planning to return to Council with an alternative to the subdivision map and otherwise to move the recommended action amended to direct future applicants, who convert an apartment of less than 10 units to condominiums, to the Planning Commission. **(roll call vote to follow)**

Councilmember Boardman suggested that the motion include the distinction that in-lieu fees only be used for rental units.

Mayor Pro Tem Hardy agreed to include the aforementioned amendment as part of her motion.

Councilmember Sullivan suggested that better wording would be that staff comes back with a subdivision map alternative for consideration.

Mayor Pro Tem Hardy agreed to include the above amendment as part of her motion.

After the City Clerk read by title, a motion was made to approve **as amended** for Introduction **Ordinance No. 3657** – *“An Ordinance of the City of Huntington Beach Amending Chapter 235 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Residential Condominium Conversions;”* and to approve Zoning Text Amendment No. 04-01 with Findings for Approval (Attachment No. 1 – continued on the next page).

ATTACHMENT NO. 1**FINDINGS****ZONING TEXT AMENDMENT NO. 04-01****FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 04-01:**

1. Zoning Text Amendment No. 04-01 to amend Chapter 235, Condominium Conversions, of the Huntington Beach Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendments streamline entitlement processing, continue to protect existing renters and future property owners, and establish exemptions for a certain class of units converted to condominiums without approval by the City.
2. A community need is demonstrated for the changes proposed. The existing condominium conversions standards are not consistent with today's conditions and the City desires to adopt unique provisions for units converted without approval by the City.
3. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by decreasing processing time for applicants, reducing application costs for property owners, continuing to provide for quality development, ensuring protection of existing renters and future property owners, providing for affordable housing or payment of an affordable housing in-lieu fee in cases where current code can not be met, and ensuring compliance with minimum health and safety standards.
4. The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 20, City Council Resolution No. 4501, which supplements the California Environmental Quality Act.

The **amended** motion carried by the following roll call vote:

AYES:	Sullivan, Coerper, Hardy, Green, Boardman, Cook
NOES:	None
ABSENT	Houchen

A motion was made by Boardman, second Coerper to have staff return to Council with a mechanism to allow for the payment of the fees upon the sale of the homes so there is no out-of-pocket expense to the existing homeowner.

Director Zelefsky asked for clarification on the staff direction, to which Boardman clarified that she would like staff to return to Council with a report of options.

Director Zelefsky agreed to prepare a memo to Council, in conjunction with the Attorney's Office, of the different options that would be available.

City Attorney McGrath noted the time requirements to create such a list of options.

Councilmember Cook stated that in some cases, it might be better for the title company to post a bond rather than having liens on the property.

Director Zelefsky stated that the changes in subdivision ordinance could be available at the end of August Council meeting, that the nexus study should return from the consultant for the first Council meeting in September, and that staff can have the memo regarding the fees payments at the subsequent meeting.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook
 NOES: None
 ABSENT: Houchen

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Resolution No. 2004-51 Designating the Huntington Beach Independent as the Primary Newspaper for Publication for the City's Legal Notices

(City Council) Management Agreements with Kathy May and Jeff Whitefield (HB Outdoor Barbecue and Snack, LLC) for Huntington Central Park Sports Complex Concession "A" and Sandi Van Amersfoorth (Stadium Club, LLC) for Concession "B"

Consent Calendar – Items Approved

On motion by Sullivan, second Boardman Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy (abstained on 5 Holly-Seacliff Specific Plan agenda items), Green, Boardman, Cook
 NOES: None
 ABSENT: Houchen

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of May 17, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved Budget Appropriation Revision for Building and Safety Department's 2003-2004 Budget to Maintain Established Levels by Expanding Contract Plan Review Services for Medium Size Projects (320.45) – Approved the budget appropriation of \$25,000 from Unappropriated General Fund account to the Department of Building and Safety Professional Services operating expense account. Submitted by the Building and Safety Director. Funding Source: Appropriate \$25,000 from the Unappropriated General Fund Balance to professional services operating expense account in the Department of Building and Safety.

(City Council) Adopted Resolution No. 2004-50 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees' Association (MEA) Regarding an Agency Shop Agreement (720.20) – Adopted **Resolution No. 2004-50** - *"A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Municipal Employees' Association, by Adopting the Side Letter of Agreement"* Submitted by the City Administrator. Funding Source: There is no cost associated with the side letter.

(City Council) Approved Final Tract Map No. 16497 of Tentative Tract Map No. 16497 (Seacliff Palms 1 Lot Subdivision) s/w Corner of Main Street and Holly Street at 19119 Main Street (Holly-Seacliff Specific Plan) – Approved Subdivision Agreement with Main Street Townhomes, a California Corporation (420.60) **1.** Approved Final Tract Map No. 16497 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approved the *Subdivision Agreement By and Between the City of Huntington Beach and Main Street Townhomes HB, Inc. for Tract No. 16497* (A California Corporation) and authorized execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16497 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16497 Conditions of Approval, as approved by the Planning Commission. **Requirements; (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 41006644 (Attachment No. 7); (b) Labor and Material Bond No. 41006644 (Attachment No. 7); (c) Monument Bond No. 41006643 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Securities for Tract No. 15603 Located w/s of Stewart Street at Clay Avenue (Holly-Seacliff Specific Plan) – Approved the Notice of Acceptance of Public Improvements (Developer, Shea Vickers Development, LLC, a Delaware Limited Liability Company) (420.60) – **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 15603; and **2.** Accepted Guarantee and Warranty Bond No. SV9966-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. SV9966 and Monument Bond No. SV9965 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instructed the City Clerk to notify the developer, Shea Vickers Development, LLC, of this action and the City Treasurer to notify the Surety, **St. Paul Fire and Marine Insurance Company**, of this action; and **5.** Instructed the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Securities for Tract No. 16288 Located w/s of Holly Street n/o Main Street at 19081 Holly Street (Holly-Seacliff Specific Plan) – Approved the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership) (420.60) – **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 16288; and **2.** Accepted Guarantee and Warranty Bond No. B34224585-M; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. B34224585; and Monument Bond No. B34224586 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instructed the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and **5.** Instructed the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Securities for Tract No. 16287 Located n/s of Clay Avenue Approximately 310 feet e/o Holly Street at 7445, 7451, 7457 and 7465 Clay Avenue (Holly-Seacliff Specific Plan) – Approved the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership) (420.60) – **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 16287; and **2.** Accepted Guarantee and Warranty Bond No. B34224566-M; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. B34224566; and Monument Bond No. B34224565 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instructed the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and **5.** Instructed the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Securities for Tract No. 16289 Located n/e Corner of Clay Avenue and Main Street at 7303-7371 Clay Avenue (Holly-Seacliff Specific Plan) Approved the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership) (420.60) – **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 16289; and **2.** Accepted Guarantee and Warranty Bond No. B34224555-M; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. B34224555; and Monument Bond No. B34224557 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instructed the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and **5.** Instructed the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2004-51 Designating the Huntington Beach Independent as the Primary Newspaper for Publication for the City’s Legal Notices (120.10)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to inquire about the involvement of the Orange County Register.

City Clerk Joan L. Flynn reported on the bids and proposal for selection.

A motion was made by Hardy, second Boardman to Adopt **Resolution No. 2004-51** – “*A Resolution of the City Council of the City of Huntington Beach Designating Certain Newspapers for the Publishing of Legal Notices of the City*” designating the Huntington Beach Independent as the primary newspaper for legal notices pursuant to City Charter Sections 500 and 503; and approved continuance of the current practice of placing legal notices in the Orange County Register (daily publication) if there is insufficient time to place the notice in the Huntington Beach Independent provided the initiating department indicates there is an urgent need to do so and with authorization from the Office of the City Administrator.

The motion carried by the following roll call vote:

AYES:	Sullivan, Hardy, Green, Boardman, Cook
NOES:	Coerper
ABSENT:	Houchen

(City Council) Approved Management Agreements with Kathy May and Jeff Whitefield (HB Outdoor Barbecue and Snack, LLC) for Huntington Central Park Sports Complex Concession "A" and Sandi Van Amersfoorth (Stadium Club, LLC) for Concession "B" and Authorized the Mayor and City Clerk to Execute both Agreements and Delegated to the City Attorney the Authority to Decide Whether it is in the City's Best Interest to Grant a Possessory Interest in the Agreements. (600.10)

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to inquire about possessory interests to concessionaires.

City Attorney McGrath and Community Services Director Jim Engle reported.

There was discussion pertaining to agreements that grant possessory interests and Measure C compliance. Staff commented and made recommendations.

On motion by Cook, second Sullivan Council approved two management agreements *Management Agreement Between the City of Huntington Beach and HB Outdoor Barbecue and Snack, LLC for Operation of a Food Concession at the Huntington Beach Sports Complex with Kathy May and Jeff Whitefield for sports concession "A" and Management Agreement Between the City of Huntington Beach and Stadium Club, LLC for Operation of a Food Concession at the Huntington Beach Sports Complex with Sandi Van Amersfoorth for concession "B"* and authorized the Mayor and City Clerk to execute both agreements and delegated to the City Attorney the authority to decide whether it is in the City's best interest to grant a possessory interest in the agreements.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook
 NOES: None
 ABSENT: Houchen

(City Council) Adopted Ordinance No. 3656 Amending Chapter 13.08 of the Huntington Beach Municipal Code Re: Smoking on the Beach (640.10)

After City Clerk Joan L. Flynn reads by title, a motion was made by Sullivan, second Hardy to adopt **Ordinance No. 3656** - *"An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Pertaining to Beach Regulations and Smoking on the Beach."* (Approved for Introduction June 21, 2004.)

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman
 NOES: Cook
 ABSENT: Houchen

Council Comments- (Not Agendized)

(City Council) Mayor announced Police Department Awards (120.85)

Mayor Cathy Green announced the Police Department's Awards for 2003.

(City Council) Councilmember Coerper Recognized Police Chief and Fire Chief (120.85)

Councilmember Coerper thanked Police Chief Small and Fire Chief Olsen and their staffs for a successful 4th of July celebration.

(City Council) Councilmember Cook Announced Deployment of HBPD Officer to Iraq .(120.85)

Councilmember Cook announced that one of our HBPD Officers is being deployed to Iraq and wished her well.

(City Council) Mayor Thanked Police Chief and Fire Chief for Successful Celebration (120.85)

Mayor Green concurred with Councilmember Coerper's sentiments regarding a successful 4th of July celebration.

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, July 19, 2004, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman